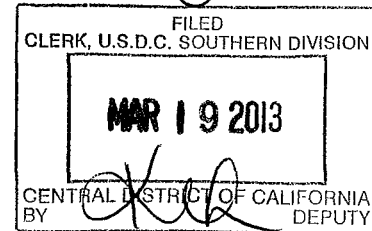


I HEREBY CERTIFY THAT THIS DOCUMENT WAS SERVED BY
FIRST CLASS MAIL, POSTAGE PREPAID, TO ALL COUNSEL
(OR PARTIES) AT THEIR RESPECTIVE MOST RECENT ADDRESS OF
RECORD IN THIS ACTION ON THIS DATE.

DATED: 3-19-13

[Signature]
DEPUTY CLERK



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

RICHARD S. KINDRED,

Petitioner,

vs.

CA SUPERIOR COURT,
COUNTY OF ORANGE,

Respondent.

Case No. SACV 12-2116-ABC (RNB)

ORDER ACCEPTING FINDINGS AND
RECOMMENDATION OF UNITED
STATES MAGISTRATE JUDGE

On January 30, 2013, the assigned Magistrate Judge issued a Report and Recommendation herein, recommending the summary dismissal of this action without prejudice after petitioner failed to respond to the Magistrate Judge's order to show cause why the action should not be dismissed without prejudice pursuant to the Younger abstention doctrine. Although two copies of the Report and Recommendation were separately mailed to petitioner at his address of record on that same date, both copies were returned undelivered with the stamped notation, "Attempted-Not Known."

Under Central District of California Local Rule 41-5, it was incumbent on petitioner to keep the Court apprised of his current address. The rule further provides that, "[i]f mail directed by the Clerk to a *pro se* plaintiff's address of record is returned undelivered by the Postal Service, and if, within fifteen (15) days of the

1 service date, such plaintiff fails to notify, in writing, the Court and opposing parties
2 of said plaintiff's current address, the Court may dismiss the action with or without
3 prejudice for want of prosecution."

4 Here, more than fifteen (15) days have elapsed since the service of the Report
5 and Recommendation, and no notice of change of address has been filed by petitioner.
6 Moreover, based on its review pursuant to 28 U.S.C. § 636 of the Petition, all the
7 records and files herein, and the Report and Recommendation, the Court concurs with
8 and accepts the Magistrate Judge's findings and recommendation.

9 IT THEREFORE IS ORDERED that Judgment be entered summarily
10 dismissing the Petition without prejudice pursuant to Rule 4 of the Rules Governing
11 Section 2254 Cases in the United States District Courts.

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13 DATED: 3/14/2013

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16 AUDREY B. COLLINS
17 UNITED STATES DISTRICT JUDGE
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